

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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HELAL AHMED, PARVEZ ALI, MD. G. MIAH,	:
ENAMUL SHAKUR, CARLOS ORTIZ, GRZEGORZ	:
KOCIECKI, MAHBUBUL KARIM, TANVIR SHAHID,	:
ADRIAN DOMINGUEZ RESENDIZ, CESAR	:
ABAMBARI, HORACIO HERNANDEZ, JOSE REYES,	:
PATRICIO GONZALEZ, SHAILENDRA SHRESTHA,	:
ROHIT TALWAR, MARCOS REYES, ROBERTO	:
SEGUNDO, FELIX SEGUNDO, and AUGUSTIN	:
REYES, on behalf of themselves and other similarly situated current and former restaurant workers employed by Defendants,	:
	07-CV-3512 (JSR) (FM)
	NOTICE OF MOTION
	:
Plaintiffs,	:
	:
v.	:
	:
DEVI RESTAURANT, LTD., RAKESH AGGARWAL,	:
SUVIR SARAN, and HEMANT MATHUR,	:
	:
Defendants.	:
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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of the Motion to Dismiss the Third Amended Complaint on Behalf of Suvir Saran and Hemant Mathur, dated December 7, 2007, Defendants Suvir Saran and Hemant Mathur will move this Court before the Honorable Jed S. Rakoff on a date to be set by the Court, in the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Third Amended Complaint in its entirety with prejudice and for such further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 6.1(b) of the Local Civil Rules of the United States District Court for the Southern District of New York, answering papers, if any, must be served and filed by December 21, 2007.

Dated: New York, New York
December 7, 2007

Respectfully submitted,

THOMPSON WIGDOR & GILLY LLP

By: /s/
Scott B. Gilly (SG-6861)

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Restaurant, Ltd. and Rakesh
Aggarwal